

STATEMENT OF INTEREST  
IN SUPPORT OF REQUEST FOR DESIGNATION AS CHIEF JUDGE OF THE  
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

ASSOCIATE JUDGE LYNN LEIBOVITZ  
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## TABLE OF CONTENTS

<b>Introduction</b> ... ..	Page 4
<b>A. Interest in Court Administration</b> ... ..	6
<b>B. Administrative and Management Skills and Experience</b> ... ..	7
Service as Presiding and Deputy Presiding Judge of the Criminal Division ... ..	8
Information Technology Management ... ..	10
Judicial Education and Training ... ..	12
Service on Rules Committees ... ..	12
Service in the Family Court ... ..	13
Information Technology Advisory Committee ... ..	13
Committee on Adoption Day ... ..	13
<b>C. Ability to Lead the Court and to Promote a Sense of Cooperation and Collegiality Among the Judges, Court Staff, and Other Entities</b> ... ..	14
Judicial Officers ... ..	14
Employees and Managers ... ..	15
Team Building ... ..	15
Outside Relationships with Executive Branch Agencies and Officials ... ..	16
Relationships with Advocates, Legal Services Groups and Institutional Litigants ... ..	16

<b>D. Ability to Promote Confidence in the Court and the Judicial System...</b>	<b>17</b>
Pro Bono Liaison...	17
Committee on the Selection of the Clerk of the Court...	18
Efforts to Supplement Landlord & Tenant Program...	18
Justice Center...	19
Use of Technology...	20
Committee on Family Court Panels...	20
Court Education Work Group, Juvenile Justice Subcommittee...	21
Juvenile Justice...	21
Establishment of Judicial Coaching Program and Participating as a Coach...	22
Community Efforts Related to Mental Health and Families...	22
<b>E. Ability to provide Intellectual Leadership...</b>	<b>23</b>
<b>Conclusion...</b>	<b>25</b>
<b>APPENDIX A...</b>	<b>26</b>
<b>APPENDIX B...</b>	<b>27</b>
<b>APPENDIX C...</b>	<b>28</b>

## **Introduction**

I respectfully submit the following statement of interest in support of my application for the position of Chief Judge of the Superior Court of the District of Columbia.

Our Court is an institution of which I am extremely proud. Our mission and values are strong. The Court is extraordinarily diverse and has been recognized nationally as a model for innovation, judicial quality, and advancing access to justice. Our Court manages an enormous range of matters, from complex commercial disputes and Landlord & Tenant cases, to probate proceedings and custody disputes. The Court receives over 15,000 criminal filings per year. We serve a diverse community of litigants. Right now, however, the Court faces unprecedented challenges. In meeting these challenges, we also have a unique opportunity to transform the ways in which the Court administers justice.

The Court's challenges are considerable. Many in our city have experienced increased prosperity over the past few decades. Our population has grown, and city services have improved. Even before the current health emergency, however, a large share of the citizens who appear in our Court had not experienced the benefits of this increased well-being. For too many District residents, health care and economic opportunity, access to affordable housing, jobs, and legal counsel in civil cases have remained beyond their reach. The COVID-19 pandemic has highlighted and increased already significant disparities in access to justice that many litigants experience.

The COVID-19 pandemic will continue to put extraordinary pressure on our Court in the coming months. Significant numbers of District residents will be facing unemployment, eviction and foreclosure; our caseloads will reflect rising instances of domestic violence; we will respond to limitations on visits and oversight of care of vulnerable citizens by court-appointed guardians; and we will face the challenge of conducting jury trials while protecting the health of attorneys, witnesses, courtroom staff and security, as well as members of the press and public.

As we address these challenges, however, we also have a unique opportunity to improve the ways in which the Court will serve all litigants, including those who have long experienced the greatest inequities, by using tools we have been forced to use and knowledge we have been forced to gain in response to the COVID-19 health emergency. The Superior Court has adjusted every aspect of its operations in fundamental ways in response to the COVID-19 pandemic, grappling with the ongoing challenge to deliver high-quality services while protecting public health and safety. At the onset of the crisis, the Chief Judge appointed me to oversee the Court's transition to a largely 'virtual' courthouse. Working closely with Court IT staff, judicial and administrative leadership, and partner agencies, we accomplished this task almost overnight. This project is evolving as we respond to the trajectory of the health emergency and plan the path forward.

It is unlikely that we ever will return fully to the way we used to operate. In addition to deciding the appropriate pace at which, and logistical plans by which, we may safely reopen, the Chief Judge and Court leadership will have to re-examine everything, from case management processes and the ways in which we schedule and hear cases, to employee telework policies, to

the use of our physical structures, to the signage we employ and the supplies we provide to employees and the public. The Court will need to increase collaboration with our Access to Justice, legal services and government partners in bold ways to make legal representation and needed services available to address the already existing, and now increased, inequities faced by many citizens who come to our Court. In the process of rebuilding, we can use what we have learned to improve our administration of justice. I believe I am well-prepared to lead the Court in confronting these challenges as Chief Judge.

I have been a member of the Superior Court community since I appeared in our Court for the first time in 1985, as a student in the Georgetown Criminal Justice Clinic. I served as a law clerk for Judge Robert I. Richter, who later swore me in as an Associate Judge. I have spent my entire legal career in public service, as a staff attorney at the U.S. Securities and Exchange Commission, as an Assistant United States Attorney trying cases in the Superior Court and in the United States District Court for the District of Columbia, and as a judge on the Superior Court.

I was sworn in as an Associate Judge of the Superior Court on September 10, 2001, almost nineteen years ago. Since then, I have served in almost every part of the Court.<sup>1</sup> I served in the Criminal Division for a total of eleven years, seven of these in the "Felony 1" assignment, presiding over murder, sexual assault and other complex criminal matters. I was Deputy Presiding and Presiding Judge of the Criminal Division for five years, from 2013-2017, managing twenty-five Associate and Magistrate Judges and ten Senior Judges responsible for handling between 16,000 and 20,000 criminal filings and over 300 jury trials per year.

I served in the Civil Division for two years and regularly presided in Landlord Tenant Court, one of Superior Court's highest volume courtrooms. I served in the Domestic Violence Division for two years, where I handled civil and criminal cases involving allegations of intrafamily abuse. For the last three years, I have served in the Family Court, presiding over a Domestic Relations calendar handling divorce, custody, and child support matters, and, in my current assignment, the Juvenile Delinquency, Adoption and Persons in Need of Supervision ("PINS") calendars. Before passage of the Family Court Act, I was responsible for a caseload of Abuse and Neglect matters.

Throughout my judicial tenure, I have taken on Committee and other assignments in which I have addressed challenges faced at all levels by the Court and the community it serves.<sup>2</sup>

When I was Presiding Judge of the Criminal Division, I worked with the Deputy Presiding Judge and partner agencies to end long-standing waiting times for bed-space for prisoners in need of hospitalization for competency evaluation and treatment in criminal cases; I partnered with executive branch officials to create diversion opportunities for low level criminal offenders in need of job readiness training, education services and mental health treatment.

I have been the Judicial Co-Chair of the Court's Information Technology ("IT") Steering Committee for four years. In addition to coordinating the Court's transition to remote

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<sup>1</sup> My judicial assignments are listed in Appendix A to this application.

<sup>2</sup> My Committee assignments are listed in Appendix B to this application.

proceedings in all case types and operations in response to COVID-19, I have lead a team of IT officials and Court leaders responsible for selecting and implementing a new case management system designed to replace our aging system within the next two years, and participated in oversight of the Court's IT policies and management. In the months and years to come, Information Technology will be essential to Court operations, ensuring full access to the Court for all litigants, and protecting safety and health. My experience in the Court's IT leadership has equipped me to make knowledgeable and innovative use of IT as the Court re-examines its future operations.

I have worked to address inequities faced by the population we serve. I was the first judge appointed to serve as the Court's *Pro Bono* Judicial Liaison in 2016, and have led the Court's effort to increase *pro bono* assistance to unrepresented persons in the Civil Division, Domestic Violence Division, Probate Division and the Family Court. I recently have coordinated with legal services agencies and judicial leadership to make emergency *pro bono* legal assistance available to self-represented litigants during the health emergency. I worked to end shackling of children in courtrooms and developed a proposal to dramatically increase behavioral health interventions for juveniles in the Court system that has been approved by senior executive branch officials and is awaiting funding.

I have sought to increase confidence in the Court and the quality of our judiciary in many ways that I describe more fully below. Some examples of this work are as follows. As a member of the Committee on the Selection and Tenure of Magistrate Judges for twelve years, I have screened, interviewed and vetted a large cadre of talented and committed applicants for selection as magistrate judges by the Chief Judge. I plan and host the Annual Adoption Day celebration. In 2012, I established a judicial coaching program for new judges that is still in use.

I am a member of the Court's Joint Committee on Judicial Administration ("Joint Committee"), which is the body responsible for the operation and administration of the DC Courts, under the leadership of Chief Judge Anna Blackburne-Rigsby of the District of Columbia Court of Appeals. The Joint Committee authorized the emergency powers exercised by the Court in effecting the adjustment of operations in response to the health emergency.

In applying for the position of Chief Judge, I seek to build on a long and broad career of service to the Court and to the District of Columbia. This is a uniquely challenging time, nationally and in our city. I am excited about leading the Court as we address the unprecedented complexities of the upcoming period in a manner that promotes access to justice for all.

#### **A. Interest in Court Administration**

I have worked in court administration for eight years. Court administration provides the framework for supporting a satisfied and motivated work force among judicial officers, managers and employees, promoting high quality and empathetic performance by all, and establishing respectful, collaborative relationships between the Court and the Bar, government officials and the community we serve. Court administration also is the vehicle for implementing the goals stated in the Court's Strategic Plan, and for advancing a broader vision of the Court's role in promoting justice.

I am a member of the Joint Committee on Judicial Administration, the committee responsible for operation of the DC Courts. Chief Judge Blackburne-Rigsby is Chairperson of the Joint Committee, and the Chief Judge of the Superior Court, the Executive Officer of the DC Courts, and judges of both courts are the additional members. The Joint Committee addresses a broad range of issues, including budget and resource management, consideration and adoption of workplace policies affecting employees, and issues affecting court operations. Most recently, we declared the judicial emergency necessary to the DC Courts' swift and careful response to the COVID-19 pandemic.

I also have served in many leadership roles during my tenure. I describe in greater detail below my service for five years as Deputy Presiding and Presiding Judge of the Criminal Division, the largest Division of the Court.

As Co-Chair of, and judicial representative on, the Information Technology ("IT") Steering Committee for four years, I have participated in the oversight of the IT policies of the Court, its disaster response protocols, and the complex procurement process resulting in selection of a new case management system to replace our current, aging system, and in managing the Court's recent transition to remote operations in every case type and Court function. Because of my roles on the IT Committee and in this transition, I believe I am prepared to confront the complexities of implementing a new record management system court-wide, and to employ IT tools that will be essential as we rethink Court operations going forward.

I served on the Judicial Leadership Team for five years, spanning the terms of two Chief Judges. I served, on occasion, as the Chief Judge's representative to the Criminal Justice Coordinating Council while Criminal Division Presiding Judge, and as Acting Chief Judge when requested. While serving as Chair of the Committee on Judicial Education and Training and as Deputy Presiding and Presiding Judge of the Criminal Division, I participated in leadership skills training and retreats with judges and Court managers in leadership.

As Chief Judge, I would consider the following responsibilities and obligations to be fundamental to court administration and to furthering the mission, values and goals stated in the Court's Strategic Plan. The Chief Judge must foster mutually respectful relationships with the other branches of government (both local and federal), with our stakeholders and the public, and manage the Court's resources responsibly. The Chief Judge must promote an intentional culture of leadership and teamwork, and create avenues for explicit articulation of values within the Court. Finally, as our current Chief Judge has demonstrated throughout his four challenging years in the position, the Chief Judge must practice open-minded, transparent and selfless leadership, promote diversity and inclusion in all the Court's programs, support the Court's judicial and administrative employees, and remain open to considering and effecting change where change is appropriate.

## **B. Administrative and Management Skills and Experience**

I have served in a number of significant management roles. The following are examples of opportunities I have had to participate in oversight and management, although it should be

noted that every one of these items has required and involved collaboration and teamwork with others:

### **Service as Presiding and Deputy Presiding Judge of the Criminal Division**

For five years, from 2013 through 2017, I served as Deputy Presiding, and then Presiding Judge of the Criminal Division. In these roles, I worked with then Presiding Judge Robert Morin and, later, Deputy Presiding Judge Tony Lee, as well as the Director of the Criminal Division, sharing responsibility for the overall management of the Division, consisting of twenty-five Associate and Magistrate Judges and approximately ten Senior Judges. This entailed managing coverage of all Criminal Division calendars, managing distribution of jury trials to meet goals for timely case resolution, covering calendars for judges unavailable for extended periods, conducting weekly Division business and training meetings, informing the Division of developments in the law and in the Court's operations affecting their work, meeting regularly with the Division's administrative managers, outside stakeholders and partner agencies, and representing the Court on various work groups and external committees. In addition, I and my partner leadership judges each handled our own "Felony 1" dockets of homicide, sexual abuse and other complex cases.

In leadership of the Criminal Division, I inherited from leaders before me an ongoing effort to implement and maintain a system to prevent backlogs and delay of trials and resolution of criminal cases. Along with my leadership colleagues, I worked to further develop and implement trial performance and trial certainty standards that prioritized two goals: first that cases would be tried on the first trial date and resolved within standardized time frames depending on the type of case and, second, that no trial would be continued for lack of a judge. Beginning before I became Deputy Presiding Judge and for a total of six years, I managed the Criminal Division's "Certification List," ensuring that every jury and non-jury trial ready to be tried, but for which the calendar judge was unavailable, was sent to an available judge for trial. This process resulted in a zero, to near-zero, rate of trial continuances for lack of a judge (as opposed to for reasons attributed to the parties). Administering the "Cert List" required a good deal of sensitivity when communicating with other colleagues as to their availability and willingness to take cases to trial each day. Ultimately, the Division developed an ethic that favored team work over attention to individual calendars and the view that the work of the Court was all of ours to complete.

I and my partners in leadership of the Division also managed the Criminal Division training of many new judicial officers who were assigned to the Criminal Division. The training included a two-week agenda for one-on-one training by judges and other Court employees, mock trial exercises and extensive consultation and mentoring throughout the early weeks and months after the new judge had assumed the bench. In addition, we led a three-day in-service training conference every December for all Division judicial officers, at which judges, defense and government attorneys, and outside speakers were presenters.

For three years, I led the "Felony 1" team of judges, consisting of the judges assigned to the most serious and complex cases in the Criminal Division. This team met weekly to discuss legal and jury management issues arising in these difficult cases, and to coordinate coverage of



upcoming trials when the calendar judge was otherwise in trial or unavailable, to ensure that trials went forward as scheduled. In addition, this team assisted in covering other calendars in the Criminal Division that were unfilled because of retirements and limitations on available judicial resources.

Also during this period, both as Presiding Judge of the Criminal Division and as a member of the Jury Management Committee, I worked with Court managers and judges to implement a juror call-in system that allows jurors to call the Court the night before scheduled jury service to learn if they are needed the next day. In implementing this system, we created a daily process within all of the divisions of the Court to determine how many of those jurors summoned for service by mail would actually be needed each day, so that the Court could excuse those not needed the night before their scheduled service. We asked that judges begin holding "pretrial conferences," a day or two prior to a scheduled trial to ascertain the likelihood of the trial proceeding as scheduled, and report to the jury office whether they would require a jury panel on the scheduled trial date. Using this process, we ascertained with greater precision than previously whether jurors would be needed for a particular case on the date for which they had been summoned. As a result of the implementation of this system, the Court has "called off" thousands of jurors per year, preventing them from needlessly coming to the courthouse and promoting the views of citizens that the Court respects their time.

While leading the Criminal Division, I worked in collaboration with other judges, executive branch officials, along with a working group of stakeholders including both prosecutors' offices, the Public Defender Service, the CJA Bar, and the police, to develop a diversion program in the Criminal Division's Community Courts for low level offenders so that they could pursue education and job readiness in exchange for dismissal of their cases or a reduction in charges. I also formed a working group of similar stakeholders to investigate strategies to divert mentally ill persons from the criminal justice system and direct them instead to treatment and other services. I also worked on a long-term effort while Deputy and later Presiding Judge, with my judicial leadership colleagues, and representatives of the Office of the United States Attorney and the Court Services and Offender Supervision Agency, to expand eligibility for participation in the Court's Mental Health Community Court, our treatment court designed to address mental health issues, to persons on probation for non-violent felonies.

During this period, I chaired the Pretrial Mental Examinations Committee, charged with managing the process by which the court and stakeholders in the criminal justice and forensic mental health systems addressed the mental competency process in criminal cases. I worked with the Deputy Presiding Judge and all of these stakeholders to eliminate lengthy waiting times for prisoners at the DC Jail who had been ordered transferred to St. Elizabeths Hospital for competency evaluation and restoration.

Overall, the management of the Criminal Division has always posed great challenges to Court Administration, in that every decision affecting case management also affects liberty of individuals and safety of the community. The Court is managing unprecedented challenges as we determine how we will safely conduct criminal proceedings, including jury trials, as we reopen. I have had a good deal of experience managing complex criminal matters, many of which posed complex jury selection and jury management issues. In an effort to set an example,

and to support the Cert List as well as my colleagues, while in Criminal Division leadership I presided over every type of criminal case and trial, including traffic offenses, a wide variety of non-jury and jury-demandable misdemeanor offenses, and a full range of felony offenses. I sat on occasion in Drug Court and Mental Health Community Court. I was informed by the Criminal Clerk's Office that, from 2012 through 2015, I presided in 195 trials, including jury and nonjury matters. This experience has prepared me to address the challenges ahead in this arena.

### **Information Technology Management**

In 2016, I was appointed to co-chair the Court's Information Technology ("IT") Steering Committee with the Executive Officer of the DC Courts. The Steering Committee includes judicial and non-judicial members, including the Court's IT staff. It plans, coordinates, and recommends to the Chief Judge and the Joint Committee on Administration policies concerning use of technology by judicial and non-judicial staff, and makes recommendations concerning the introduction of new technology and programs to the Court. The DC Court's current five-year Strategic Plan, implemented in 2018, provides that one of five Strategic Goals is to implement "Resilient and Responsive Technology," and the court's IT systems and projects are more critical than ever to the Court's operation.

The Court first implemented an electronic case management system more than a decade ago. That system now is aging and no longer adequately supportable. Over the past two years, under the oversight of the IT Steering Committee, the Court has undergone the laborious procurement process of selecting a new case management system, which currently is being developed to replace the old system in 2021 and 2022. In embarking on the selection process, the Court worked with consultants to develop over 500 contract and system "requirements," and incorporate these requirements into a Request for Proposals. I was one of two members of an Advisory Board, as a larger team reviewed submitted proposals and, in that role, attended demonstrations by selected candidates. Once the vendor was selected, the development of the new case management system has entailed a massive delivery of data by the Court to the system's vendor, and an intensive process of coordination and consolidation of the business processes of the Court so that the new system will incorporate them. I am one of two "sponsors" of this ongoing project, along with the Clerk of the Court. In addition to managing this enormous undertaking, the IT Steering Committee has overseen many projects to enhance the IT abilities and efficiencies of the Court, including the ongoing migration of most of the Court's data and files to the "cloud," and the establishment of sophisticated disaster recovery and IT security measures to protect the Court's data.

The Court's Strategic Plan also prioritizes enhanced access to justice by expanding online assistance to self-represented litigants. IT is not only a vehicle for more efficient case management, although that is an essential function, but IT tools and systems also are critical to promoting access to justice for all litigants and enhancing transparency of the Court. During the period in which I have co-chaired the IT Steering Committee, the Court has implemented online tools for self-guided forms generation that allow a litigant to generate a complaint or petition and file it online. We have put Court dockets on the Court's website, including making filed documents available to the public in case-types that are not shielded from public view for privacy reasons, so that litigants and the public are aware of current and upcoming court

schedules and so that legal services organizations and lawyers may access information in order to assist litigants.

Most recently, as the Court grappled with the urgent need to adjust operations in the face of the current health emergency, I was appointed to coordinate, with my judicial and Court management colleagues, the Court's transition to remote proceedings and operations very quickly. This required collaboration with officials of a number of executive branch agencies and other partners, who agreed to devote resources and personnel to create remote conferencing sites, and engage in coordinated testing and logistical planning with the Court. I participated with my IT colleagues to establish conferencing capability in courtrooms, train judicial officers and courtroom staff to conduct remote hearings, and distribute to judges and employees responsible for conducting remote proceedings laptop computers and other devices from which they could effectively operate while teleworking. I also coordinated with IT to ensure that employees and judges had the capability to access the Court's case management system from home during hearings, so that all matters heard remotely were docketed and recorded. As a result, the entire Court has conducted remote hearings in every case type except some adult criminal presentments since mid-March. In the course of this process, the Court has decided to obtain equipment and develop the capability to hold future proceedings remotely in every courtroom. This will have great potential to positively impact litigants and witnesses in future proceedings who, in appropriate circumstances, may be able to avoid taking time off from work, arranging for child care and traveling long distances to appear in court. This also will satisfy a strategy articulated in the Strategic Plan to hold more remote hearings, promoting the goal of "Fair and Timely Case Resolution."

Another byproduct of the rapid expansion of teleworking ability of the Court's entire workforce is that the Court will be better able to accommodate employees' health, child and eldercare, transportation and other needs in the reopening of the Court.

As we responded to the health emergency, I also coordinated creation of electronic access points for filing and communicating emergency matters by self-represented litigants, who do not have the ability to e-file petitions, motions or complaints without coming in person to the courthouse. I worked with colleagues in judicial leadership and court partners in the *pro bono* community to assist self-represented filers in using IT to address emergency needs, including the Court's online forms generation tools, and by establishing dedicated online sites for filing emergency pleadings with the Court.

Another critical concern has been making access to the Court available to persons who are detained at the DC Jail during the current health emergency. In my role coordinating IT solutions during this period, I have worked with the Department of Corrections and the Presiding Judges of the Criminal Division to establish procedures and IT capability to conduct remote hearings with persons at the Central Cellblock and the DC Jail on a daily basis, and to provide a meaningful opportunity to consult privately with counsel remotely before and during those hearings.

## **Judicial Education and Training**

I served on the Court's Committee on Judicial Education and Training ("JEC") for ten years, from 2004-2014, and was Chair of the JEC from 2012-2014. In that role, I was responsible for comprehensive and continuing training of all judicial officers. I consider some of my significant contributions to the Court to have been in that position, as follows:

*Courtwide Training:* As Chair of the JEC, I was responsible for comprehensive and continuing training of all judicial officers. This included organizing pre-service training of all new judicial officers with a large and diverse judicial training faculty, regular education opportunities, in-service training and management and presentation of two training conferences each year.<sup>3</sup>

*Establishment of Judicial Coaching Program:* During my tenure as Chair, I recommended to the Chief Judge the design and adoption of the Court's Judicial Coaching Program, described in greater detail below.

*Development of Standardized Training Curricula:* When I was appointed Chair of the JEC, I designated and led a New Judge Training work group and, with the input of the members of the group, developed standardized curricula for the training of all new judicial officers, including magistrate judges. These curricula included a basic training curriculum for all new judicial officers, and a subsequent curriculum specific to each Division of the Court to which new judicial officers might be assigned. These programs were designed to be a resource to future JEC chairpersons and have been retained by the Director of the Court's Center for Education and Training. Among other recommendations implemented during my tenure was that a greater number of mock trial exercises be introduced into training for all judicial officers.

*Pre-Service Judicial Training:* As Chair, I administered the approximately 2-week Pre-Service training programs for three incoming Associate Judges and four incoming Magistrate Judges.

## **Service on Rules Committees**

I have served on the Court's Rules Committee, chaired the Criminal Rules Advisory Committee, and currently serve on the Family Court Rules Advisory Committee. In these roles, I have worked with judicial colleagues and stakeholders in considering important rule changes and updates for presentation to the Board of Judges. I chaired the Criminal Rules Advisory Committee in 2016 and 2017 when I was Presiding Judge of the Criminal Division. This committee, comprised of judges and representatives from criminal justice stakeholders, reviewed

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<sup>3</sup>A list of Court-wide training programs presented by the JEC during my tenure as Chair of JEC is included in a summary of my overall training and speaking, attached as Appendix C to this application.

a backlog of amendments to the Federal Rules of Criminal Procedure going back to 2007 and made recommendations to the full Rules Committee concerning adoption of comparable amendments to the Superior Court Rules of Criminal Procedure. These efforts brought the Court fully up to date in consideration and adoption of amendments to the Federal Rules of Criminal Procedure.

### **Service in the Family Court**

In the course of my current service in the juvenile delinquency assignment, I have proposed to the Chief Judge, Family Court leadership and senior executive branch officials, measures to supplement existing interventions for youth in the juvenile justice system. Together, this group has developed a proposal to provide youth who experience chronic involvement with the juvenile justice system with comprehensive mental health and other services through a partnership of the Superior Court's Social Services Division, the DC Department of Behavioral Health and other executive branch agencies. I describe this proposal in greater detail below.

Also, in 2019, shortly after beginning my service in the juvenile delinquency assignment, I worked to end the practice of bringing all children into our courtrooms in shackles. This required collaboration among the Court, officials of the United States Marshal Service and the Department of Youth Rehabilitation Services along with the Office of the Attorney General, the Public Defender Service and Criminal Justice Act attorneys. Although an Administrative Order of the Chief Judge required individualized safety or security reasons for restraining a child, implementation of that policy required significant coordination among these agencies. Since that time, the policy that children are to appear without restraints in all juvenile courtrooms has been followed consistently.

### **Information Technology Advisory Committee**

Since 2016, I have served as the Court's judicial representative on and Chair of the Information Technology Advisory Committee ("ITAC"), a standing committee of the Criminal Justice Coordinating Council ("CJCC"), with representatives from the Court, the Office of Attorney General, Metropolitan Police Department, Pretrial Services Agency, Court Services and Offender Supervision Agency, District of Columbia Department of Corrections, Office of the United States Attorney for the District of Columbia, Public Defender Service, United States Parole Commission, Youth Services Administration, United States Marshal Service, and D.C. Sentencing Commission. ITAC meets monthly to review the use of the integrated justice information system ("JUSTIS"), a complex inter-agency information sharing system that permits agencies to transfer criminal justice data in real time to authorized agencies so all partners operate with the same information and data. ITAC also coordinates and informs agency partners about IT changes and developments and facilitates information sharing in accordance with agreed upon protocols.

### **Committee on Adoption Day**

In 2019 and 2020, I have served as Co-Chair of the Committee on Adoption Day, which plans and hosts the Court's annual Adoption Day. Adoption Day coincides with National

Adoption Day each year, and is a celebration of District of Columbia adoptions, many of which are finalized at the proceeding itself in the presence of adoptive families and guests. At the Court's 33rd Annual Adoption Day in 2019, the Court celebrated a record number of families and adoptions. This year the Court faces the question of how to conduct Adoption Day while practicing social distancing. These matters are under discussion at this time.

### **C. Ability to Lead the Court and to Promote a Sense of Cooperation and Collegiality Among the Judges, Court Staff, and Other Entities**

The Court employs an extraordinarily diverse work force of extremely hardworking, dedicated people. Managers and Court employees have constant contact with members of the public, many of whom are experiencing extraordinarily stressful and challenging moments in their lives. Judicial officers face stress every day in demanding calendars requiring difficult decision-making and compassion for others. The Chief Judge must lead by supporting and serving this workforce. In addition, the Court's judicial officers and administrative employees provide a wealth of talent that I would rely on heavily. I would lead by listening, by being transparent, by being fair in decision making, and by example. Also, in the challenging months to come, the Chief Judge must be a problem solver, have a deep knowledge of the institution at all levels, and work to identify the best paths forward. The Chief Judge also must be flexible as circumstances evolve, and as changes in approach are appropriate.

For me, leadership as Chief Judge would mean that I must work as hard as any colleague or employee, do as much as possible to ensure that colleagues and employees have the resources needed to do their work, disclose to judges and employees the realities the court faces, and give sufficient information so that the Court as a whole can carry on its work, and always have an open door.

I also would work to forge, and to build upon existing, genuine and collaborative relationships with our stakeholders and partners in furtherance of common goals. As Chief Judge, I would seek input from these partners and be open to proposals and criticism. This approach will be important to coordinating operations during this challenging period, but also to addressing the gaps in access to services, economic opportunity and justice faced by those left behind in the wake of the prosperity and progress the rest of our city has experienced in recent years, and now left even further behind by the terrible health and economic effects of the COVID-19 pandemic.

### **Judicial Officers**

Our Court is bettered by the Chief Judge's cultivation of a prepared, caring and motivated judiciary, an effort I would prioritize. The Chief Judge must manage the Court's resources, part of which includes making judicial calendar and committee assignments each year. In 2015, I participated in a work group on judicial career development. As part of that effort I contributed to the writing of a report entitled "Judicial Career Path for Associate and Magistrate Judges." We concluded that the Court and community are served by diversity in every assignment and Division, and our document recommended that the Chief Judge consider diversity when assigning judges to calendars and appointing judges to leadership positions. In addition, we

concluded that the Chief Judge should consider judicial development in making assignments and, where possible in consideration of the needs of the Court, position judicial officers to gain diverse and broad experience, including jury trial and leadership experience.

I believe strongly in these principles and would adopt them in considering judicial, committee and leadership assignments. I would continue the current practice, suggested by the conclusions of the work group on judicial career development and adopted by Chief Judge Morin, of fostering and developing a cadre of judges reflecting the diversity of our Court, who are prepared for future leadership. I also would continue the practice of asking judges for their preferences in assignments each year and would make an effort to fit interests and capabilities to judicial assignments, within the bounds of the needs of the Court.

### **Employees and Managers**

One of the challenges faced by the Court is the bifurcated management structure by which Court employees are managed by administrators, and judges operate under the delegated authority of the Chief Judge. It is important to bridge the gap between the two management structures in the Court and intentionally create avenues of communication and collaboration between the judicial and administrative arms of the Court. The Court's employees have weathered periods of budget uncertainty, a government shutdown and the recent pandemic. Their contributions are essential to the ability of the Court to carry out its mission and goals. Although the Chief Judge is not their manager or supervisor, I believe it is appropriate for the Chief Judge to recognize these contributions, and to hear and be aware of the concerns of Court employees and the implications of management decisions that impact them, while respecting the management hierarchy governing employee functions. This is something that has been driven home to me in considering measures directed to employee fair treatment and quality of life, and other Human Resources issues, in my participation on the Joint Committee on Judicial Administration.

### **Team Building**

As Chief Judge, I would engage judicial and administrative managers in joint team building, articulation and sharing of the court's values, and intentional fostering of collaboration and trust. In recent weeks, the Chief Judge has led weekly meetings of judicial leaders and Court managers in adjusting operations as we respond to the evolving health emergency. The teamwork and trust that has been developed in this group during this period has been personally rewarding to all of us, and essential to the Court's management of the significant challenges to Court operations in this unprecedented period. As Chief Judge, I would continue to hold regular meetings of judicial leaders and Court managers, with a goal to foster a culture of trust and collaboration.

In addition, I believe that it is the job of the Chief Judge to communicate that capability and teamwork are more important than position. I would encourage a culture that demonstrates genuine respect for the contribution of each member of the team. I have had the honor and experience of collaborating closely with administrative colleagues in many settings, including in the implementation of numerous IT initiatives over time and in recent weeks but also throughout

my judicial tenure when collaborating with the Director and members of the Center for Education and Training in putting on training programs, and with courtroom staff in managing lengthy jury trials and interactions with the public. I am proud to be one person on a team, and well-aware that I am only as valuable to the Court as the quality of the group effort.

I believe that celebrations are important to communicating the culture of the Court and to team building, and have worked with others over the years to organize events to bring people together. When I was Presiding Judge of the Criminal Division, and as Chair of the Judicial Education Committee, I regularly set aside time for informal gatherings to promote fellowship among judicial officers and judicial managers and employees. The regulations governing our expenditures do not allow the Court to spend money on food for gatherings and celebrations. In dreaming up opportunities for us to come together without a budget, I have planned “cook-offs” and potluck events to celebrate retirements and other milestones.

The annual Adoption Day celebration, for which I chair the hosting committee, described above, also serves as an opportunity to celebrate the Court’s values and bring together members of the community we serve in recognition of incredibly important milestones. Each year, the Chief Judge recognizes dozens of finalized adoptions in the presence of family, guests, judges, attorneys, social workers. He also always notes the large number of Court employees and judges who themselves have adopted. I would look for other opportunities to celebrate the Court’s constituencies, recognizing budget constraints, and participate fully in those already scheduled each year, such as the Employee Awards ceremony, at which I served as a judicial usher this past year.

### **Outside Relationships with Executive Branch Agencies and Officials**

With respect to relationships with partners outside the Court, I believe there are significant intersections between the Court’s interests and those of our outside partners, which can result in important advances for the citizens who come to our Court. While the Court is an independent and equal branch of government charged with neutral resolution of disputes, we share a commitment to providing equal justice for all with our stakeholders and executive branch partners. I have learned the value of maintaining avenues of communication and relationships of trust with entities outside the Court, so that when opportunities arise to generate initiatives to help people, we can all take advantage of the existing willingness to collaborate.

### **Relationships with Advocates, Legal Services Groups and Institutional Litigants**

The Court enjoys important relationships with partner agencies, institutional litigants, legal services and community organizations, and Bar associations. As Chief Judge, I would provide structured and institutionalized opportunities for advocates from all sides, organizations and partners to make recommendations, give criticism and provide input as to best practices to the Court. These opportunities can occur in work groups and advisory committees in all Divisions of the Court, and concerns and proposals arising from these discussions can be reported regularly to the Chief Judge. The Chief Judge should listen and be responsive to viewpoints, consider course changes where appropriate, and transparently communicate decisions to forebear from adoption of recommendations, where appropriate.



As Chief Judge, I also would continue the Court's effort to expand and broaden dramatically the participation of members of the Bar in *pro bono* representation in every civil case type in our court. Since 2016, I have served as the Court's *Pro Bono* Judicial Liaison to the Bar and the Access to Justice community. I discuss my work in this arena more fully below. I have seen the impact of innovation and collaboration with our outside partners, and would hope to form new relationships designed to further important goals.

#### **D. Ability to Promote Confidence in the Court and the Judicial System**

Confidence in the Court is furthered by Court leadership's transparency in decision making and operations. Although fair and efficient case resolution is important, confidence in the Court also is built on fair practices and policies within the Court affecting employees, because fair treatment within the institution leads to fair treatment of members of the public. As Chief Judge, I would model and implement fairness in processes, openness to change, giving others a voice, and transparency in decision making, both within and outside the Court.

In taking on my caseload assignments and other special assignments, I have contributed to public confidence in the Court and thought about other avenues for doing so. Below are some of the efforts I have undertaken, and would consider taking in the future:

#### **Pro Bono Liaison**

In 2016, the Court established the position of *Pro Bono* Judicial Liaison, and I was the first Judge appointed to this position. In this role, I serve as judicial liaison to the Bar, in an effort to increase dramatically the availability of *pro bono* and low-cost civil legal assistance in the Superior Court. The DC Bar, the DC Bar *Pro Bono* Center, the Access to Justice Commission and the DC Legal Services community have long demonstrated strong commitment to promoting *pro bono* representation in the District of Columbia. However, in many of the Court's high volume civil calendars, litigants are unrepresented at rates of 80-90%. Since 2016, I have partnered with Bar leaders, representatives of the Access to Justice community, and legal services organizations to develop strategies to address this high rate of self-representation.

As a result of these efforts, the Court has established a small panel of law firms taking referrals in Domestic Relations Cases. I also worked with the Presiding Judges of the Probate Division and the Register of Wills to establish an unprecedented relationship with the George Washington School of Law, when we had a gaping need for *pro bono* assistance in the newly launched Probate Self Help Center and in certain Probate proceedings where self-represented persons met with a great deal of difficulty communicating compliance with statutory requirements. We created two programs, one for law students in the George Washington Family Justice Clinic and one for law students committing to *pro bono* hours assisting self-represented litigants in the Probate Self Help Center. This program, only a year old, has introduced a cadre of committed law students to *pro bono* practice in a way that will serve as a model for other programs throughout the Court.

I have represented the Court on the DC Bar's recently established *Pro Bono* Task Force and its working groups, which are developing innovative programs to increase full and limited

scope representation of litigants in housing and domestic relations cases, to include programs to make attorneys available in the high volume courtrooms to assist litigants in navigating procedural requirements and calendar calls, and an attorney “incubator” program by which area law firms with family law expertise mentor more junior members of the Bar who take domestic relations and other family law cases *pro bono*.

I have coordinated with the Court’s judicial leadership and the legal services community to arrive at methods for emergency filing for unrepresented persons who cannot e-file during the remote operations prompted by COVID-19. Our *pro bono* partners have stepped up to assist in extraordinary ways, and are responding to requests that they increase efforts in the weeks and months to come, as high-volume courts reopen, to assist the many unrepresented litigants affected by the health and economic effects of the COVID-19 emergency.

### **Committee on the Selection of the Clerk of the Court**

In April 2019, I was appointed to the committee established to interview candidates for the position of Clerk of the Superior Court and make recommendations as to selection of a candidate to the Chief Judge of the Superior Court and Executive Officer of the DC Courts. The Committee was comprised of three judges and the Clerk of the Court of Appeals, and was chaired by the Deputy Executive Officer. Over a short period, we interviewed candidates and unanimously recommended the applicant who ultimately was selected, and serves in the position today.

### **Efforts to Supplement Landlord & Tenant Program**

In 2018, Ms. Esther Lim, then President of the District of Columbia Bar, established the Bar’s *Pro Bono* Task Force, which was dedicated to increasing *pro bono* representation in the DC Courts. Among the subcommittees established by Task Force Chairman Ronald Flagg, was a Housing Working Group, tasked with addressing the need for representation by a huge percentage of litigants in Landlord & Tenant cases. In the course of meetings of this Working Group, I have participated in discussions about improving access to justice for all litigants in these cases. In my rotations in the Landlord & Tenant Court while assigned to the Civil Division, I observed first-hand the obstacles faced by litigants in that Court and by judges and managers in operating the program.

Operation of this “high volume” calendar presents significant challenges. It has been vastly improved over time with the hard work of the current and prior Presiding Judges of the Civil Division, and their collaboration with dedicated members of the Bar and legal services organizations. Many concerns that historically have been raised still exist, however. These concerns will evolve, and will become even more significant, in the wake of the COVID-19 emergency.

As Chief Judge, I would undertake to improve litigants’ experiences on both sides of the aisle in Landlord & Tenant Court, particularly in light of the large numbers of tenants who are certain to face eviction proceedings when Court proceedings reopen. In doing so, I would build on the hard work of current and former Presiding Judges of the Civil Division. The reality is that

Landlord & Tenant courtrooms will have to be run very differently when they reopen after the COVID-19 closures. It is likely that many fewer cases will be calendared per day, and other changes will be essential to managing social distancing and safety. I would make use of new IT tools, such as the electronic check-in system described below, and video conferencing capability to reduce the number of persons who must appear physically in the courtroom at once, and reduce waiting times and defaults. I also would explore measures such as increasing opportunities for parties to enter consent scheduling praecipes and continuances without having to appear before a judge, collaborating with legal services entities to achieve contact with litigants in need of attorneys in advance of hearings rather than on the day of the first hearing, and further coordinate a “no wrong door” contact portal now being developed for persons in need of legal and other assistance. Among other measures I would consider would be to follow the lead of current and prior presiding judges in further consolidating the cadre of judicial officers assigned to this calendar. This aspiration will be affected, as it has in recent years, by availability of judicial resources.

As we go forward, I would encourage continued regular meetings of the working groups considering best practices, forms, signage, and other processes from the vantage points of litigants on both sides of these matters, to achieve fair and neutral improvements to processes, and give full consideration to measures to protect health and safety.

I would explore availability of budget resources to expand the existing Court navigator program created to assist individuals who are unrepresented by attorneys with navigating the court system, not just geographically, but also in figuring out where to go for assistance, and which forms to fill out. In addition, I hope to increase assistance to litigants by enhancing onsite availability of legal representation, rent assistance, job assistance, assistance obtaining public benefits, and other services in a campus Justice Center, as described below.

Finally, I would explore means of understanding and addressing the root causes that propel citizens to these calendars, by considering a data collection effort to identify and break down for analysis the circumstances that have specifically contributed to their court matters, to distinguish, for example, between those challenged by chronic unemployment and those who recently have lost a job but may be able to secure employment again, and those with mental health challenges, or health conditions that have interfered with work and housing. These distinctions will become more relevant as the result of the massive joblessness caused by economic consequences of COVID-19.

## **Justice Center**

As Chief Judge, I would explore development of relationships with partners designed to address the intractable challenges and needs that bring people to our campus. The Court has begun work on establishment of a Justice Center, to be housed in the historic Recorder of Deeds building, located across the street from the Moultrie Courthouse, to serve persons with court matters who need assistance. The District of Columbia has granted the Court long-term, exclusive use of this building, pursuant to an agreement that the Court and the District of Columbia will partner to create this Center to meet the needs for services and interventions faced by persons with cases in every Division and Court on our campus. Citizens who go to the Justice

Center would be served by navigators, who would assist them in obtaining services such as mental health services, rent subsidies, domestic abuse protection, pro bono legal services, public benefits, non-driver IDs, and drug treatment. The success of the Justice Center will depend on sustained collaboration between the Court and District of Columbia officials and partner agencies. The Recorder of Deeds building itself needs extensive restoration requiring significant capital investment. I will continue the Court's effort to secure the necessary funding during the budget process as Chief Judge. I also will be committed to fostering the relationships necessary to make a myriad of services available and accessible in one location at the Court.

### **Use of Technology**

We are becoming increasingly aware of the ways in which transparency and access to justice can be achieved by using IT tools. For example, the Court has in recent years granted legal services organizations access to certain recordings of proceedings to aid litigants who cannot afford transcripts. In responding to the current health emergency, we are learning that allowing people to attend proceedings remotely can instill confidence in the Courts by decreasing economic, safety, transportation, job, child care and other obstacles to participating in Court hearings. The Court's increased ability to collect and disclose aggregate data resulting from court operations can enhance academic research, advocacy by stakeholder organizations and policy development by the executive and legislative branches. Court filings and dockets are now available online. These measures increase access by the public and the media to our proceedings. I would continue to explore use of IT tools to further access to justice, while carefully following the Court's protocols guarding statutory and other principles of privacy and confidentiality.

I have coordinated with IT staff and the Presiding Judges of the Civil Division to complete the development of a long-awaited IT tool for electronic check-in of parties in the high-volume Landlord & Tenant Court. This Check-in system will permit parties to notify the Court of their presence for proceedings and will replace the traditional "roll call" conducted in open court. Using this new technology, judges, legal services providers, lawyers for all parties, clerks and other court personnel will be able to get online information in real time as to, e.g., whether a party is present in Court for a matter, consulting with a legal services provider in a room outside the courtroom, whether a lawyer is in another courtroom, when he or she will be available for a hearing, and whether a case is ready to be called by the Court. This use of IT will assist litigants by recording their presence in Court, reducing defaults and lengthy wait times, and permitting litigants more time to obtain legal advice while waiting for their cases to be called.

### **Committee on Family Court Panels**

In 2019, the Committee on Family Court Panels, of which I am a member, undertook the process engaged in every four years of reestablishing the panels of attorneys selected to represent indigent persons in the Family Court, including in the juvenile delinquency cases in which I now preside. As we prepared to consider applications for membership on these panels, I presented a proposal that we attempt to recruit to the panel new members qualified to provide high-quality representation in juvenile matters. Our committee proposed to the Chief Judge that we extend the deadline for applications, engage in outreach to members of the adult Criminal Justice Act

Bar and others in the criminal defense community to seek lawyers interested in handling juvenile cases, and arrange for training of new members of the panel. We subsequently selected a number of new panel members who will serve provisionally for a one-year period while receiving training and demonstrating their qualification to take juvenile cases. Expanding high-quality representation in juvenile cases not only enhances the experiences of juvenile respondents and their families, it encourages community perception that the Court is fair to youth in the criminal justice system.

### **Court Education Work Group, Juvenile Justice Subcommittee**

Parents and guardians of juvenile respondents in the Juvenile Delinquency and Persons in Need of Supervision (“PINS”) calendars in the Family Court are, in certain circumstances, eligible for appointment of education attorneys. Those attorneys are skilled in navigating, and litigating where necessary, the securing of accommodations for students with special needs and addressing other barriers to school attendance. In 2019, after being assigned to the Juvenile Delinquency and PINS dockets, I was invited to participate in meetings of the Court Education Work Group’s Juvenile Justice Subcommittee. This is a committee external to the Court comprised of education attorneys, juvenile justice partners, representatives of the Court, juvenile justice stakeholders, and representatives of the executive branch agencies. In the course of my attendance at meetings of the Subcommittee, I have engaged in discussions with representatives of the Office of State Superintendent of Education (“OSSE”), and the Family Court’s Social Services’ Division, of a proposal whereby OSSE representatives would establish a presence in Superior Court, participate in making recommendations to the Court regarding interventions to promote school enrollment and attendance, attend juvenile hearings, and provide access to databases of information on the school status of juvenile respondents.

### **Juvenile Justice**

In co-Chairing the Committee on Juvenile Proceedings and engaging on issues related to juvenile proceedings in my judicial assignment to the juvenile delinquency calendar, I have observed a strong will across the community of our juvenile partners, including prosecution and defense, parent groups, our Family Court Social Services Division, executive agency partners and service providers, to reexamine the juvenile justice system and the ways in which we treat children under supervision of the Courts. I have observed in my handling of my own caseload that there are ways in which current practices, thinking and interventions could be supplemented or, in some respects, dismantled and rebuilt. In recent meetings of the Committee on Juvenile Proceedings, the Family Court Presiding Judges and I began discussing with members ways in which the Committee could explore approaches to juvenile justice that might change for the better the paradigms on which our system operates.

As the response to COVID-19 caused the Court and partners to pause many efforts in order to maintain safety and adjust operations, the Committee on Juvenile Proceedings’ discussions of expanded approaches to juvenile justice were interrupted. There are interventions that have been employed in other jurisdictions that data has suggested may be helpful in reshaping approaches to juvenile justice. Many good efforts have been begun in our own jurisdiction by all participants, including expansion of restorative justice programs, treatment

courts and community based interventions. I am committed to continuing the exploration in this area.

Over the past year, I have met with the Chief Judge, Family Court leadership and administrators, and senior executive branch officials to develop a comprehensive plan for providing children in juvenile delinquency proceedings urgently needed behavioral health interventions, including assessments, diagnoses, provision of services, drug treatment, and medication management. Trauma and other significant mental health challenges often are the root causes of children's court involvement. Nevertheless, needed services are difficult to access generally and to access within the time frames of these individuals' involvement in the system. Working together, the participants in these discussions developed a comprehensive proposal that would place executive branch behavioral health representatives in the Courthouse, involve them in planning for children from the inception of their court involvement through any transfer of their supervision to other agencies, assist families in navigating services and providers, and track and maintain services even after a child's Court involvement ended. This proposal was proceeding to the budget process when the COVID emergency interrupted the effort to fund it, and it is my understanding that the discussions will be revived in due time.

### **Establishment of Judicial Coaching Program and Participating as a Coach**

In 2012, as Chair of the Judicial Education and Training Committee, I proposed to the Chief Judge that we establish a Judicial Coaching program at the Court that I had learned was in use in other courts. Although we had a long-standing tradition of mentoring our colleagues, we had not introduced coaching as a discipline. The Chief Judge established the Judicial Coaching Program by Administrative Order in 2015. This program was designed to train judges to serve as coaches to both new and experienced judges, for the purpose of enhancing performance and satisfaction in the job. It differed from mentoring programs the Court previously had employed, in that it was designed for use of a structured rather than informal approach, requires coaching relationships of a pre-determined duration, and is overseen by the Chief Judge to ensure the investment of participants.

I have coached several judges since implementation of the program, and am currently coaching a new colleague. This process is designed to help judges develop skills and practices to promote fair decision making and effective management of their new roles, and thereby promote confidence in the judiciary and in the Court.

### **Community Efforts Related to Mental Health and Families**

I have done volunteer work and participated in efforts to support parents of children with mental health issues and reduce the stigma associated with treatment. In 2013 and 2014, I volunteered as a parent advocate on the adolescent ward of the Psychiatric Institute of Washington. I worked with a senior social worker, participating in weekly meetings of families of adolescent patients in the hospital. These meetings were held for the purpose of establishing communication between the hospital and parents, and the children and parents, concerning the challenges that had led to the child's hospitalization, recommended treatment, and plans for safety and family interaction after the child was discharged from the hospital. I also participated

as a trainer in a program to train “parent peers” at the Department of Behavioral Health in 2014 and 2015, giving the keynote presentation to two classes of parent peers. In September 2014, I was a panelist at the American Association of Pediatricians Fall Forum, *Early Childhood Mental Health: Identifying and Managing Common Concerns*, speaking as a judge and layperson on the importance of pediatricians’ engagement with parents to identify, and reduce the stigma associated with, mental health issues in early childhood. In September 2015, I was invited to speak at the Community Connections Children’s Mental Health Services Graduation Ceremony. Community involvement of a judge makes us more accessible as people, and promotes trust of the judiciary.

#### **E. Ability to Provide Intellectual Leadership**

As Chief Judge, I would continue the Court’s strong tradition of providing comprehensive and high-quality training, encompassing substantive training on the law, training in judging skills, provision of access to necessary materials and resources, and appropriate mentoring and coaching and support. After ten years overall as a member and as Chair of the Committee on Judicial Education and Training (“JEC”), I have given thought to the ways in which the Chief Judge can lead the Court in preparing judicial officers to do their jobs and communicate the values of the Court.

Because we are not a state judicial system, we do not have the judicial training infrastructure established in other courts. Instead we rely on extensive contributions by judges and administrators to a judicial training curriculum that must provide high level pre-service training to new judges and continuing education to the court, and also must keep the court abreast of developments both in the law and in the broader social and economic arenas affecting our work. The training curriculum offered by the Court must continually be updated to meet these standards. Training must address needs of judicial officers in fixed, longer term assignments to gain depth of knowledge in their subject matter, and on needs of judicial officers, often magistrate judges, who may be assigned on a rotating basis to numerous high volume calendars in a single year, to preside effectively in diverse caseloads.

During my years on the Court, I have participated extensively in developing education opportunities. While I led the JEC, we presented two Court-wide conferences a year, and throughout the year offered presentations on diverse subjects important to continuing education. We trained seven new judicial officers in a two-year period, providing basic judicial education and subject-matter specific education to prepare them for their first assignments. The JEC also aided the Divisions in presenting their annual in-service training to judges as they proceed to new assignments each year.

I believe it is important to provide not only training in the law and judicial skills, but also to develop programs that keep judges abreast of issues faced by the larger community in which we live. As an example, in 2013, when I was Chair of the JEC, we presented the Court’s annual judicial and senior managers Conference, *“Our Town: Understanding the History, Culture, Economic and Social Condition of the Community We Serve in the District of Columbia Courts,”* centered on the District of Columbia, including the history of our city and government, and the diverse cultural, racial and ethnic makeup of our population. This program focused on challenges

faced by citizens of our city, many of whom are litigants in our Court, who historically have lived in poverty, and lacked opportunity, jobs and access to justice. The program also highlighted the Court's rich connections to the District of Columbia, by including oral histories by current and former judges, and employees of the Court.

The Court has addressed, and must continue to address in Court-wide programs and facilitated discussions, systematic and historic racial, ethnic and other inequities that exist both inside and outside the institution and that have implications for our work. I have been committed to addressing these issues in Court education programs since I joined the Court. In 2005, I moderated a panel exercise at the Court's judicial and management conference, called *The Implicit Bias Test: Are We More Biased Than we Think?* The conference attendees each took a computerized, research-based test designed to disclose levels of implicit bias, followed by a panel discussion of the results and their implications regarding judicial bias. In 2012, I presented a panel on persons who appear *pro se* in criminal cases as part of a courtwide conference that addressed access to justice issues raised by self-representation in all case types in the Court.

In addition, through training and education programs, the Court must support the whole person, focusing on wellness and stress relief. The education program also must incorporate the whole Court, not just the judicial officers, fostering collaboration and trust between the judges and the administrative managers and employees.

Another aspect of intellectual leadership that I would focus on as Chief Judge is the way in which diversifying and increasing opportunities to provide training and leadership can enable development of leadership skills of a diverse array of judges and create avenues by which they may gain respect of their colleagues. As Presiding Judge of the Criminal Division, I routinely delegated to judges in the Division, including those who were less experienced than others, responsibility to present on topics of developing caselaw and best practices at our weekly meetings and training conferences, and take on leadership roles within the Division. This was so that they could develop expertise in subjects important to their own and other colleagues' caseloads, but also was meant to widen and diversify the cadre of judges considered to be respected resources on the Court. This effort to widen intellectual leadership opportunities ultimately creates a pipeline of judges who reflect the diversity of the Court, and who are prepared for future Court leadership.

I would endeavor to incorporate IT tools to aid and support the work of the court. As is true in many arenas already discussed, IT is important to the intellectual development of the court. IT tools that have not been available to date because of cost and complexity, such as research and order banks searchable by terms, hopefully will become available with the implementation of the Court's new case management system. With the greater remote conferencing capacity recently developed within the Court, we should consider ways in which more comprehensive remote Court-wide training opportunities may be made available to supplement our existing capabilities.



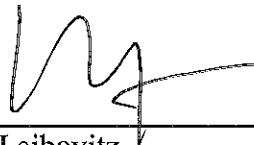
I have given presentations on many subjects both inside and outside the Court.<sup>4</sup> I regularly participate in the basic training program for new judicial officers, teaching sessions on Judges' Contact with the Press, and Courtroom Control and the Contempt Power. I have presented to colleagues on many topics over the years, including *Crawford* and the Confrontation Clause, the law regarding conflicts between Fifth Amendment rights of witnesses and Sixth Amendment rights of the accused, Conspiracy law, issues in co-defendant trials, the District of Columbia Bail Reform Act and the Juvenile Detention statute, the Supreme Court's restatement of the *mens rea* requirement in threats cases, jury selection and management of deliberations, opinion writing for Family Court judges, and the law of disclosure and discovery in criminal cases. In conjunction with these training presentations, I have prepared detailed PowerPoint surveys of the law and best practices that I regularly update and distribute as new developments occur.

I also regularly participate in training and presentations outside the Court. As recent examples, in 2019 I gave a presentation on *Brady v. Maryland* to prosecutors at the Office of the Attorney General, and a presentation on litigating clashes between Fifth and Sixth Amendment rights at a monthly meeting of the Superior Court Trial Lawyers Association. I present at a colleague's law school course on the Craft of Judging once every semester, and I participated in a mock jury trial exercise for women inmates at the DC Jail earlier this year. I previously taught trial practice at the Georgetown University Law Center prior to coming onto the Court and continued until 2006.

### Conclusion

It has been an honor to serve the citizens of the District of Columbia as an Associate Judge for nineteen years. This is an important time for the Court. The next Chief Judge will have the opportunity and responsibility to improve the ways in which the Court serves all litigants and members of the public, including those who have long experienced the greatest inequities, as well as the Court's judicial officers and Court staff, partner agencies, attorneys who come before the Court and other stakeholders, by re-examining Court processes in the wake of the COVID-19 pandemic. It would be a privilege to be selected to lead the Court as we face the unprecedented challenges ahead, while continuing the hard work and vision of the previous Chief Judges in sustaining the Court's tradition of excellence. I would be honored to serve our community as Chief Judge of the Superior Court of the District of Columbia.

Respectfully submitted,



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Lynn Leibovitz  
Associate Judge

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<sup>4</sup> Appendix C includes lists of my presentations within and outside the Court.

## APPENDIX A

### List of Judicial Assignments

Sept 01-Dec '01: Juvenile Delinquency (Family Division)  
2002: Domestic Violence Division  
2003: Domestic Violence Division  
2004: Felony 2 (Criminal Division)  
2005: Felony 2 (Criminal Division)  
2006: Felony 2 (Criminal Division)  
2007: Civil 2 (Civil Division)  
2008: Civil 2 (Civil Division)  
2009: Felony 2 (Criminal Division)  
2010: Felony 1 (Criminal Division)  
2011: Felony 1 (Criminal Division)  
2012: Felony 2 (Criminal Division)  
2013: Felony 1 (Criminal Division) (Deputy Presiding Judge)  
2014: Felony 1 (Criminal Division) (Deputy Presiding Judge)  
2015: Felony 1 (Criminal Division) (Deputy Presiding Judge)  
2016: Felony 1 (Criminal Division) (Presiding Judge)  
2017: Felony 1 (Criminal Division) (Presiding Judge)  
2018: Domestic Relations (Family Court)  
2019: Juvenile Delinquency, PINS, Adoptions and Domestic Relations Backup (Family Court)  
2020: Juvenile Delinquency, PINS, Adoptions and Domestic Relations Backup (Family Court)

## **APPENDIX B**

### **List of Committee Assignments**

Superior Court Interpreters' Committee (2002-2016)  
Judicial Education and Training Committee (2004-2014, Chair 2012-2014);  
Committee on the Selection and Tenure of Magistrate Judges (2008-present)  
Jury Management Committee (2008-2017)  
Superior Court Rules Committee (2013-2017)  
Pretrial Mental Examination Committee (Chair 2015-2017)  
Urgent Care Clinic Stakeholders' Committee (Chair 2015-2017)  
Work Group on Career Pathway of a Judge (2015-2016)  
Working Group on Education and Jobs Diversion (Chair 2016-2017)  
Working Group on Persons with Mental Illness (Chair 2016-2017)  
Criminal Rules Advisory Committee (Chair 2016-2017)  
Information Technology Steering Committee (Co-Chair 2016-present)  
Information Technology Advisory Committee (Co-Chair 2016-present)  
Advisory Committee on Family Court Rules (2019-present)  
Committee on Adoption Day (Co-Chair 2019-Present)  
Committee on Family Court Proceedings (Co-Chair 2019-present)  
Committee on Family Court Attorney Panels (2019-present)  
Standing Committee on Fairness and Access to the District of Columbia Courts (2020)

### **External Committee Participation**

United States District Court Interagency Detention Work Group (2016-2017)  
DC Bar Pro Bono Task Force (2018-present)  
DC Bar Pro Bono Task Force Housing Work Group (2018-present)  
DC Bar Pro Bono Task Force Domestic Relations Work Group (2018-present)  
Court Education Work Group Juvenile Justice Subcommittee (2019-present)

## APPENDIX C

### I. Courtwide Training During Tenure as Chair of JEC

December 2012: Superior Court Judicial In-Service Training Conference, Plenary Session: *A Review of the 2010-2011 and 2011-2012 Supreme Court Term*

January 2013: *Habeas Corpus Proceedings & Post-Conviction Relief*, Judge Mencher

March 2013: *IPAD Training for Judges*. A Multi-Day series offered to Superior Court and D.C. Court of Appeals Judges at Beginner, Intermediate and Advanced levels

March 2013: *Judicial Ethics*, Judge Len Edwards, CA

April 2013: *Post- Conviction Relief*, Judge Canan

May 2013: Annual 2-day Judicial and Senior Managers Conference, “*Our Town: Understanding the History, Culture, Economic and Social Condition of the Community We Serve in the District of Columbia Courts*”

September 2013: *Emergency Judge Training*, Judges Long & E. Christian

November 2013: *Hearsay Rule and Exceptions*, Professor Cynthia Jones

December 2013: Superior Court Judicial In-Service Training, Plenary Session: *Recalibrating Privacy in the 21<sup>st</sup> Century: Government Intelligence Gathering and the Fourth Amendment*

January 2014: *Judicial Coaching and Mentoring Training*, Jan Bauch, Consultant

### II. Training Sessions Personally Developed and Presented at the Court

October 2004, Moderator, Courtwide Training, *Midnight Madness: Handling Medical Emergency Cases*

November 2004, Court-wide *Crawford* Training (with Judges Fisher and Cushenberry)

December 2004, Domestic Violence In-Service Training, *Criminal Issues in Domestic Violence Cases*

May 2005, DC Courts Spring Conference, Moderator, *The Implicit Bias Test: Are We More Biased than we Think?*

December 2005, December In-Service Training, Moderator, Plenary Session, *Judicial Independence after Schiavo*, Honorable George W. Greer, speaker

December 2006, Criminal Division In-Service Training, *Crawford: Recent Developments*

February 2007, Black History Month Presentation: Edward Jones, Author

December 2007, Superior Court In-Service Training, Plenary Session, *Controlling the Courtroom: Contempt and Other Issues*

December 2007, Criminal Division In-Service Training, *Crawford Update*

December 2008, Criminal Division In-Service Training, *Crawford Update*

December 2009, Criminal Division In-Service Training, *Issues in Co-Defendant Cases (the Thomas case, Severance and Carpenter issues, Admissibility of Statements of Co-defendants)*

March 2010, Criminal Division Training, *Sentencing Training and Hypotheticals*

May 2010, Joint Judicial and Managers 'Spring Conference, Moderator, *Applying Frye and Daubert to Challenges to Admissibility of Forensic Evidence*

December 2010, Criminal Division In-Service Training, *Conspiracy 101*

December 2011, Criminal Division In-Service Training, *Crawford v. Washington: Recent Developments*

May 2012, Spring Conference, *Handling Cases With pro se Criminal Defendants; The Hsu/Faretta Inquiry*

October 2012, Criminal Justice Conference on Mental Health, *Presentation on Role and Training of MPD Crisis Intervention Officers*

November 2012, Criminal Division Training, *Sentencing Training and Hypotheticals*

December 2012, Criminal Division In-Service Training, *Admissibility of Scientific Evidence (with Judge G. Jackson)*

October 2013, Presentation to the Criminal Division, *Lay Opinion Testimony: King v. United States & R. 701*

December 2013, Criminal Division In-Service Training *Resolving Conflicts Between the 6<sup>th</sup> Amendment and the 5<sup>th</sup> Amendment: Carter v. United States* (with Judge Richter).

December 2014, Criminal Division In-Service Training, Prepared and organized two-day Division training program

March 2015, Presentation to the Criminal Division, *Threats: The Changing Landscape*

July 2015, Presentation to the Criminal Division, *Threats Update: Elonis v. United States*

December 2015, Criminal Division In-Service Training, *Jury Management*

December 2015, Criminal Division In-Service Training Program, *Discovery, Jencks and Brady* (with Judge Lee)

December 2015, Criminal Division In-Service Training, *Sentencing Training and Hypotheticals*, (with Judge Lee)

February 2016, Criminal Division Training, *Detention Hearings and The Bail Reform Act*

July 2016, Criminal Division Training, *Misdemeanor Sentencing*

August 2016, Criminal Division Training, *Victims' Rights and Subpoenas for Medical Records*

December 2016, Court-wide Training, *Bail Reform Act and Courtroom C-10*

December 2016, Criminal Division Training, *Criminal Discovery, Jencks Act*

October 2017, Court-wide Training, *How NOT to Hold People in Contempt: Managing Proceedings with Defiant Litigants*

September 2017, Criminal Division, *Statutory Timeframes in Mental Competency Proceedings*

March 2018, New Judge Training, *Contempt and Courtroom Control*

March 2018, New Judge Training, *Contact with the Press*

April 2018, Felony 2 Judges, *Conspiracy Law*

October 2018, New Judge Training, *Contempt and Courtroom Control*

October 2018, New Judge Training, *Contact with the Press*

December 2018, Family Court In-Service Training, *Judicial Opinion Writing: Findings of Fact and Magistrate Judge Reviews*

December 2018, Criminal Division, *Bail Reform Act*

October 2019, *Crawford Training for New Judges*

November 2019, *Fifth Amendment Training for New Judges*

December 2019, Family Court In-Service Training, *The Juvenile Detention Statute and Courtroom JM-15*

### III. Speaking and Training Outside the Court

2001-2006, Georgetown University Law Center, Professor of Trial Advocacy

2002 & 2003, Speaker, Georgetown University Law Center Domestic Violence Clinic

November 2003, Mock Training Exercise for new Public Defender Service lawyers

March 2006, Presentation to the CJA Bar, *Winfield Evidence: Third Party Perpetrator Evidence in a Nutshell*

July 2009, Day-long host to area high school group at the Court

February 2011, Guest Speaker, George Washington University Law School, Craft of Judging Class

February 2011, Faculty, Trial Advocacy Program for Public Interest Lawyers, DC State Committee for the American College of Trial Lawyers

July 2011, Host to visitors from Moscow State University studying the US Criminal Justice System

August 2011, Judicial Participant, Operation Safe Surrender

August 2011, Panelist, Conference of Court Public Information Officers, Panel on Bloggers as Members of the Media

December 2011, Speaker, Colloquium of the Supreme Court of Korea, Seoul, Korea, *Handling Sexual Assault Cases in Criminal Proceedings*

December 2011, Presided in Mock Training Exercise for new Public Defender Service lawyers

February 2012, Guest Speaker, George Washington University Law School, Craft of Judging Class

April 2012, Georgetown University Law Center Alumnae Award

April 2012, Presiding Judge, George Washington Law School Trial Advocacy Mock Trial Final Exercise

February 2013, Member, Strategic Planning Council, Georgetown University Law Center

February 2013, Guest Speaker, George Washington University Law School, Craft of Judging Class

March 2013, Guest, Kojo Nnamdi, WTOP, *In Defense of Jury Duty*

March 2013, Panelist, *Why Women Can't Have it All – Or Can They?*, United States Attorney's Office for the District of Columbia, Womens 'History Month

April 2013, Presiding Judge, George Washington Law School Trial Advocacy Mock Trial Final Exercise

May 2013, Speaker, CJA Bar Presentation on *Issues Pertaining to General Operation of the Criminal Division*

June 2013, Participant, *Bench/Media Roundtable*

June 2013, Guest Speaker, George Washington University Law School, Craft of Judging Class

September 2013, Speaker, Official Visitors to the Court from the Senate of Mexico

December 2013, Presided in Mock Training Exercise for new Public Defender Service lawyers

April 2014, Presiding Judge, George Washington Law School Trial Advocacy Mock Trial Final Exercise

May 2014, Presentation to the CJA Bar: *Resolving Conflicts Between the 6<sup>th</sup> and 5<sup>th</sup> Amendments: Carter v. United States*

June 2014, Participant, *Bench/Media Roundtable*

July 2014, Department of Behavioral Health, Parent Peer Training, Keynote Speaker, *Navigating the Mental Health System*

September 2014, Panelist, DC American Association of Pediatricians Fall Forum, *Early Childhood Mental Health: Identifying and Managing Common Concerns*

February 2015, Department of Behavioral Health, Parent Peer Training, Keynote Speaker, *Navigating the Mental Health System*

October 2015, Presenter, Arizona 2015 Court Leadership Conference, Flagstaff AZ, *Pretrial Services: The Use of Money in the Release Decision-Making Process*

March 2015, Group Leader, DC Courts Youth Law Fair

March 2015, Speaker, DC Superior Court Law School for Journalists

April 2015, Presiding Judge, George Washington Law School Trial Advocacy Mock Trial Final Exercise

April 2015, Speaker, Honduras Judicial Council, visiting delegation to the DC Courts

May 2015, Speaker, visiting delegation from the Democratic Republic of the Congo

June 2015, Faculty, American College of Trial Lawyers, Trial Techniques CLE Program

July 2015, Speaker, *Alternatives to Incarceration*, Delegation from Uruguay



September 2015, Speaker, Community Connections Childrens 'Mental Health Services Graduation Ceremony

December 2015, Speaker, Court Services and Offender Supervision Agency Academy Graduation

December 2015, Speaker, visiting delegation from Turkmenistan to the Court

January 2016, Speaker on Bail Reform, Visiting Judge from Cleveland Municipal Court

September 2016, Guest, WHUR Radio, Provided Information on *Operation Safe Surrender*

May 2017, Presentation to Criminal Justice Coordinating Council, *Law and Procedure Regarding Revocation of Pre-trial and Post-trial Release*

December 2017, Presentation to the Criminal Justice Coordinating Council, *Youth Rehabilitation Act*

March 2018, Guest Speaker, George Washington University Law School, Craft of Judging Class

April 2018, D.C. Bar Annual Domestic Relations Bench/Bar Dialogue

June 2018, Panelist, American College of Trial Lawyers, Trial Techniques CLE Program

October 2018, Speaker, D.C. Bar *Pro Bono* Center, *Child Custody Training, A View from the Bench*

November 2018, Speaker, Crowell & Moring, *Pro Bono* Luncheon

May 2019, Presenter, *Importance of pro bono Representation in Family Court*, 56<sup>th</sup> Annual Association of Family & Conciliation of Courts Conference, Toronto, Canada

June 2019, Presenter, Electronic Discovery Seminar, Georgetown Law Center

August 2019, Speaker, Canadian Criminal Justice Student Delegation

October 2019, Presenter, D.C. Office of the Attorney General, *Prosecutors' Obligations under Brady v. Maryland*

November 2019, Presenter, Superior Court Trial Lawyers Association, *Carter Training for Defense Attorneys*

December 2019, Luncheon Speaker, DC Refers Luncheon for *Pro Bono* Volunteers

January 2020, D.C. Law Students in Court *Mock Trial Exercise* for women at the DC Jail